



Town of Kittery

200 Rogers Road, Kittery, ME 03904

Board of Appeals
Meeting Agenda, Council Chambers
Tuesday, March 8, 2016
Regular Meeting - 7:00 P.M.

1. Call to Order; Introductory; Roll Call
2. Pledge of Allegiance
3. Agenda Amendment and Adoption
4. Executive session, if required
5. Public Hearings –
 1. William & Eileen McCarthy, 27 Adams Drive, Map 22 Lot 10, Commercial-1 (C-1) zone, requesting Miscellaneous Variation Request to lift an existing two story Accessory Dwelling Unit to add a story to the building.
6. Unfinished Business
7. New Business
8. Acceptance of Previous Minutes:
9. Board Member or CEO Issues or Comment
10. Adjournment

WORKSHOP FOLLOWING MEETING -

- Code modifications – Reconsideration; timing
- Sample code memorandum
- Expert witness
- Financial considerations
- Experts considerations
- Attendance to MMA (Maine Municipal Association)



TOWN OF KITTERY
CODE ENFORCEMENT OFFICE
200 ROGERS ROAD, KITTERY, MAINE 03904
PHONE: (207) 475-1305
FAX: (207) 439-6806

Application to the
BOARD OF APPEALS

DATE SUBMITTED	2-24-16
MAP & LOT	22-10
ASA FEE	230.00
DATE PAID	2-24-16
DATE COMPLETE	2-24-16
HEARING DATE	3-8-16

MISCELLANEOUS VARIATION REQUEST

I have reviewed Town Code Title 16, Board of Appeals By-Laws, and the Ordinance(s) pertinent to this application. My request is based on Title 6.4.3, Miscellaneous Variation Request and:

- ☐ Nonconformity (Article III of Chapter 16.7);
- ☐ Nonconforming Residential Use in Commercial Zones Expansion (Section 7.3.5.3);
- ☐ Nonconforming Lots of Record (Section 7.3.5.9);
- ☐ Sign Violation and Appeal Standards (Section 8.10.3);
- ☐ Parking, Loading and Traffic Standards (Article IX of Chapter 16.8);
- ☐ Temporary, Intra-Family Dwelling Unit (Article XXI of Chapter 16.8); or
- ☐ Accessory Dwelling Units Standards (Article XXV of Chapter 16.8).

**IN ORDER FOR AN APPLICATION TO BE DETERMINED COMPLETE AND SCHEDULED FOR A PUBLIC HEARING:
APPLICATIONS FORMS MUST BE COMPLETE; 10 SETS OF DOCUMENTATION PROVIDED; & ALL FEE(S) PAID**

PROPERTY INFORMATION					
ADDRESS	27 A ADAMS DRIVE				
MAP	22	LOT #	10	LOT SIZE	1 ac.
BASE ZONE(S):	C-1		OVERLAY ZONE(S):		
The subject property: [is / is not] in a Shoreland overlay or Resource Protection zone; [is / is not] in a floodplain; AND [does / does not] have outstanding code violations; and, if so, granting this appeal provides resolution .					
PROPERTY OWNER: I have right, title or interest in the affected property, or issue, as shown by:					
NAME(S)	WILLIAM & EILEEN MCCARTHY				
MAILING ADDRESS	27 ADAMS DRIVE				
CITY	KITTERY	STATE	ME	ZIP CODE	03904
PHONE No.			e-MAIL:		

NOTE: You may have an attorney represent you, but such representation is not necessary. You may also be represented by a designated agent (e.g. family member, neighbor, engineer, contractor) as you so desire.

APPLICANT (if different) I am an agent of the applicant with standing, as shown by:					
NAME(S)					
MAILING ADDRESS					
CITY		STATE		ZIP CODE	
PHONE No.			e-MAIL:		

To the best of my knowledge, all information submitted on and with this application is true and correct.

Date: 2-24-16

By:

William McCarthy

(Signature)

WILLIAM MCCARTHY

(Print Name)

AFFIRMATIONS (Please read and check all the boxes to confirm)

Identify relevant Town code sections:

TITLE	16	CHAPTER	8	SECTION	25	5				PAGE	241
TITLE	16	CHAPTER	6	SECTION	4	3	D			PAGE	150
TITLE		CHAPTER		SECTION						PAGE	

I understand that the Board of Appeals:

- ☐ May hear and decide on a miscellaneous variation request within the limitations set forth in the Title 16 Section identified in Item A-H on Page 1.
- ☐ Appears to have jurisdiction to hear this request; hearing must be held within 30 days of this request filing; application must be complete; and, public and abutter notice must be made no less than seven days prior to the scheduled hearing.
- ☐ Will conduct this hearing De Novo (meaning the Board acts if it were considering the question for the first time, affording no deference to the preceding agency decisions; may receive new evidence and testimony consistent with this Town Code Title 16 and the Board rules; and, conduct additional hearings and receive additional evidence and testimony).
- ☐ Will determine my Burden of Proof:
- 1) What does the ordinance/statute require the applicant to prove?
 - 2) Does the ordinance/statute prohibit or limit the type of use being proposed?
 - 3) What factors must be considered under ordinance/statutes to decide whether to grant the request?
 - 4) Is the evidence presented substantial? Is it credible? Is it outweighed by conflicting evidence?
- ☐ Requires substantial evidence as the Standard of Review for this request, meaning:
- "More than a mere scintilla". It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. The preponderance of evidence standard is met if the proposition is more likely to be true than not true. The standard is satisfied if there is greater than fifty percent chance that the proposition is true.*
- ☐ May hear, decide, and approve variations in accordance with the criteria listed in Town Code Title 16, Sections 6.6.1, Factors, and 6.6.2, Considerations; and may consider other Title 16 standards.
- ☐ Approval may not be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any state law which the municipality is responsible for enforcing.
- ☐ Is only legally authorized to deal with issues arising from the list above, and do not include such matters as constitutionality, civil rights, criminal acts, property disputes, surliness, etc.
- ☐ Will not even hear my appeal unless I can show that I have "standing" to have my complaint heard;
- ☐ Purpose of establishing my case for "standing" is to limit appeals on an issue to those who are directly involved and/or affected.
- ☐ Will try to decide my case based only on the factual information presented and what is written in the pertinent Town ordinance/regulation, State statute(s)/regulation(s) and the rulings of the State Supreme Judicial Court.
- ☐ Tries to make decisions it believes would be upheld if appealed to Superior Court.

Additional Information

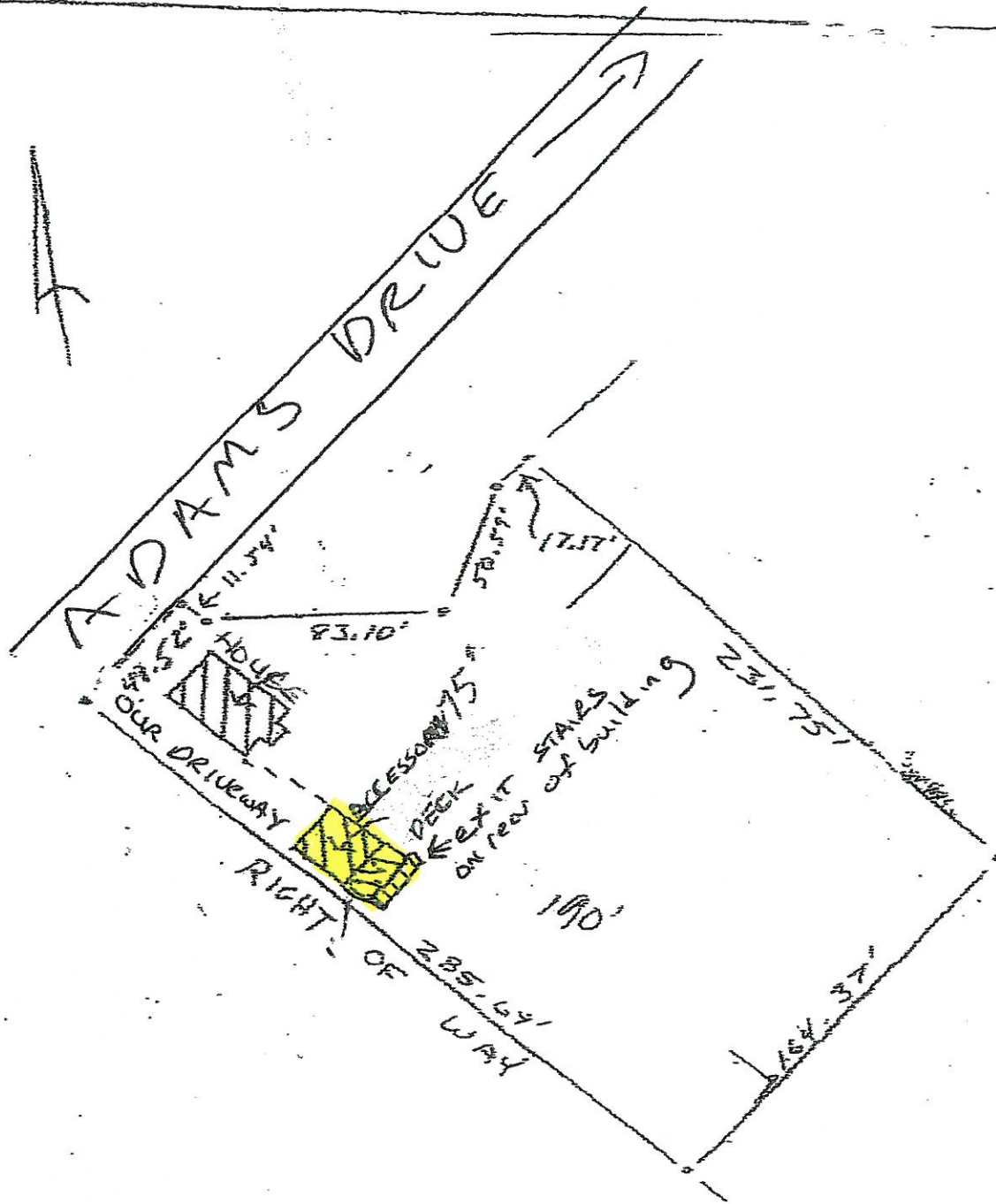
1. Please complete this application in its entirety. You may add other information as may be needed to adequately describe the purpose of seeking relief from the Board of Appeals.
2. A detailed plot plan or diagram must be provided showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic features (wetlands, streams, etc) of the lot in question. This plot plan should also include the distances to the nearest structures on abutting properties and show the detail of any rights-of-way, easements, or other encumbrances.
3. Blueprints, surveys, photos and other documents may be helpful in explaining your request and should be included.

STATEMENT:

Describe the general nature of the request:

*to raise an existing 2 story cottage and build/add
a floor/story to the building*

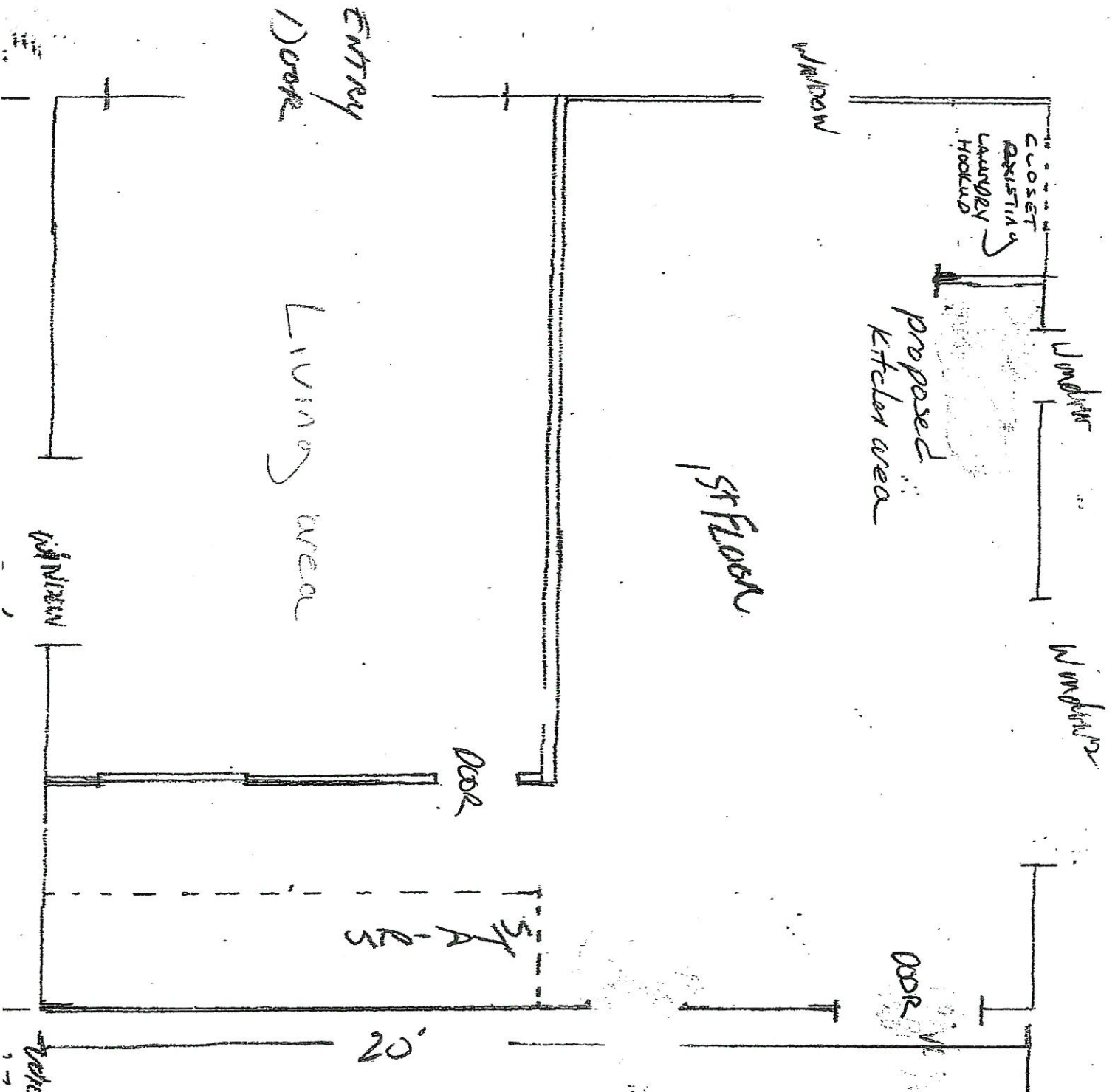
COMMENTS: Map 22 Int 10



Willie County, Georgia

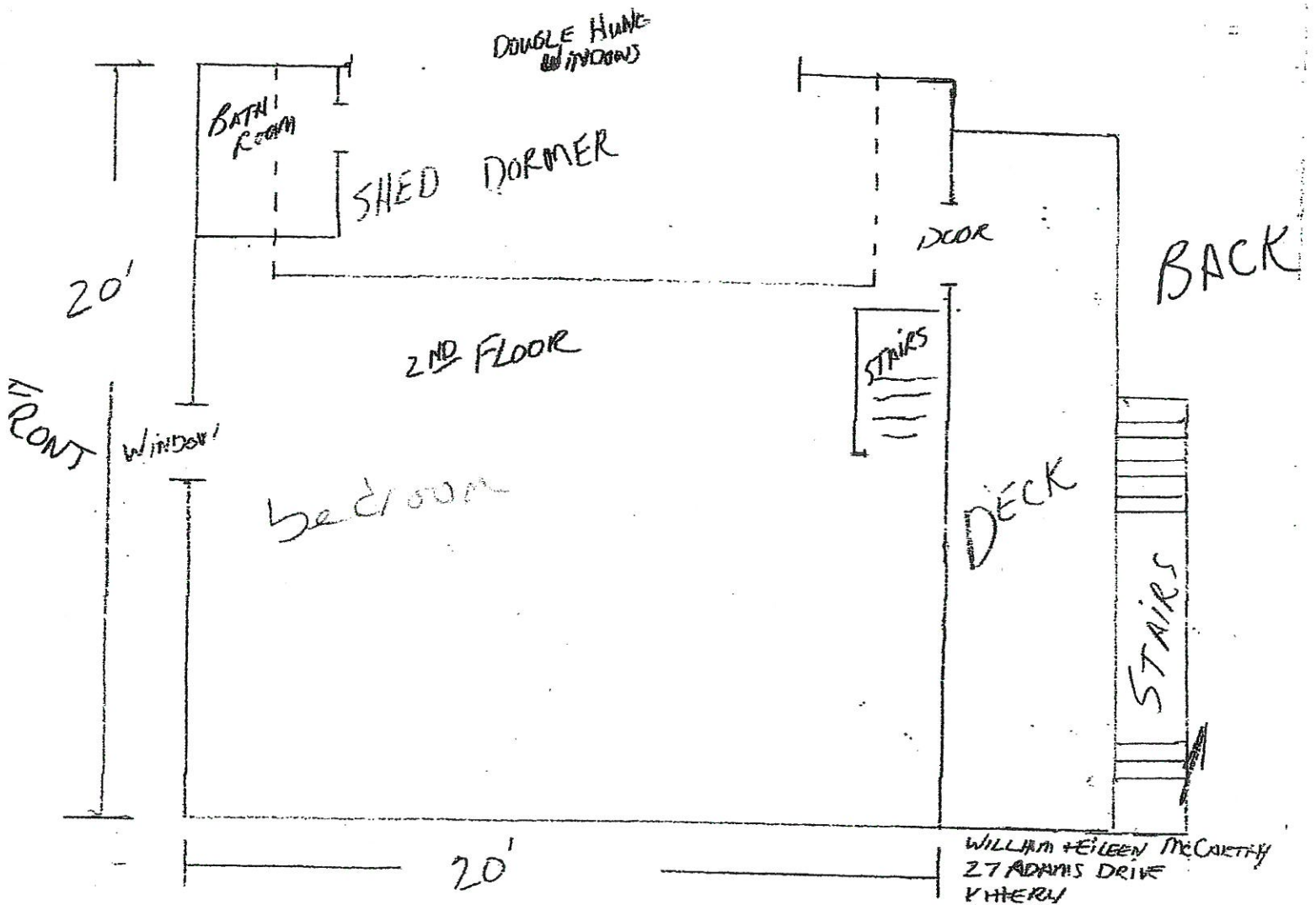
OP-2

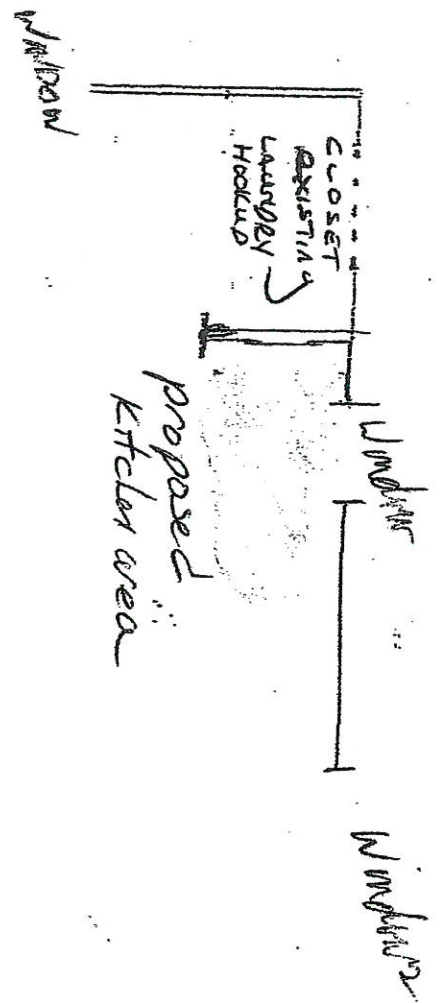
TOTAL P.03



BACK

Deborah & Eileen McCarthy





Entry
Door
Living area

1st Floor

Door

Door

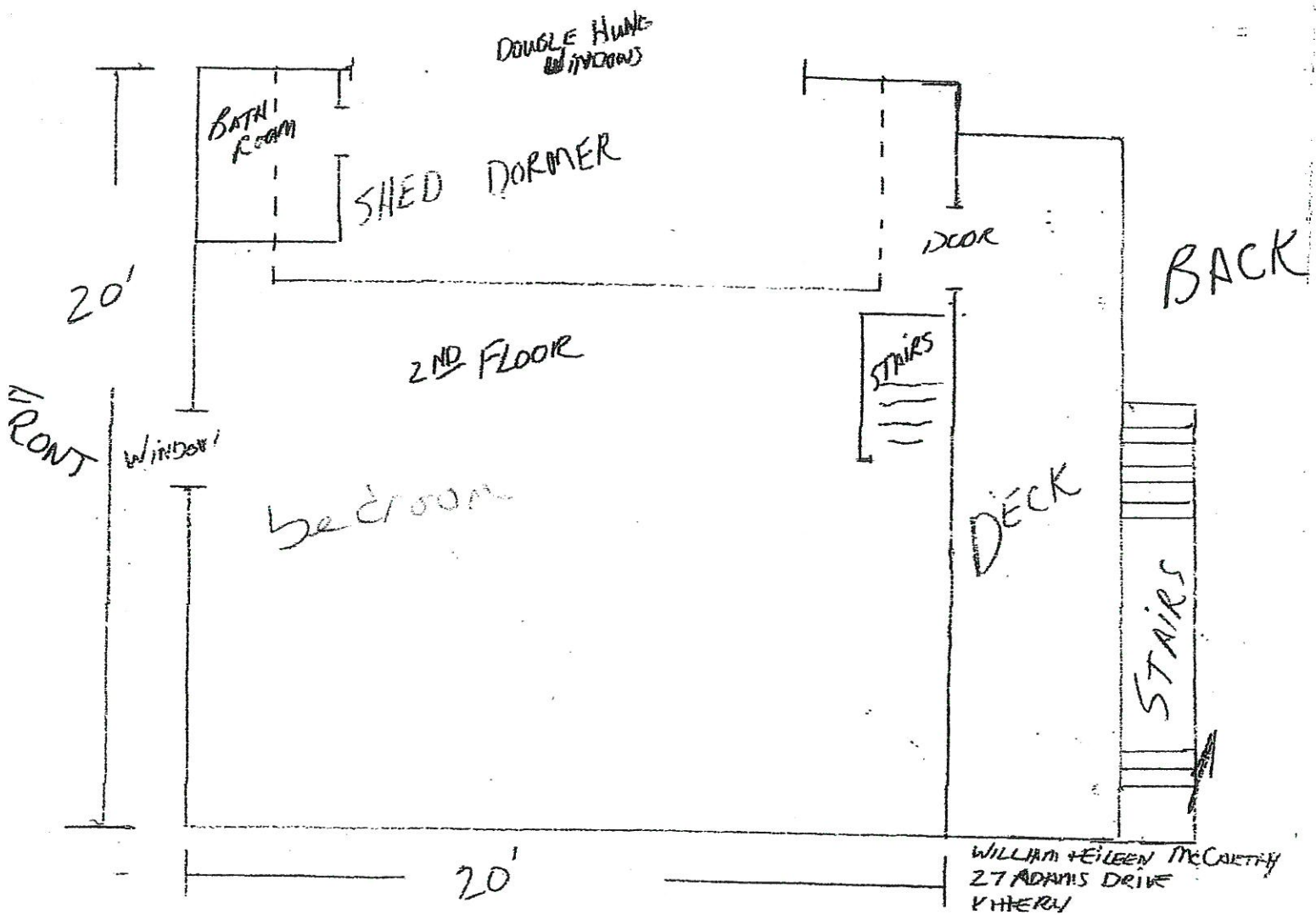
10'-0"

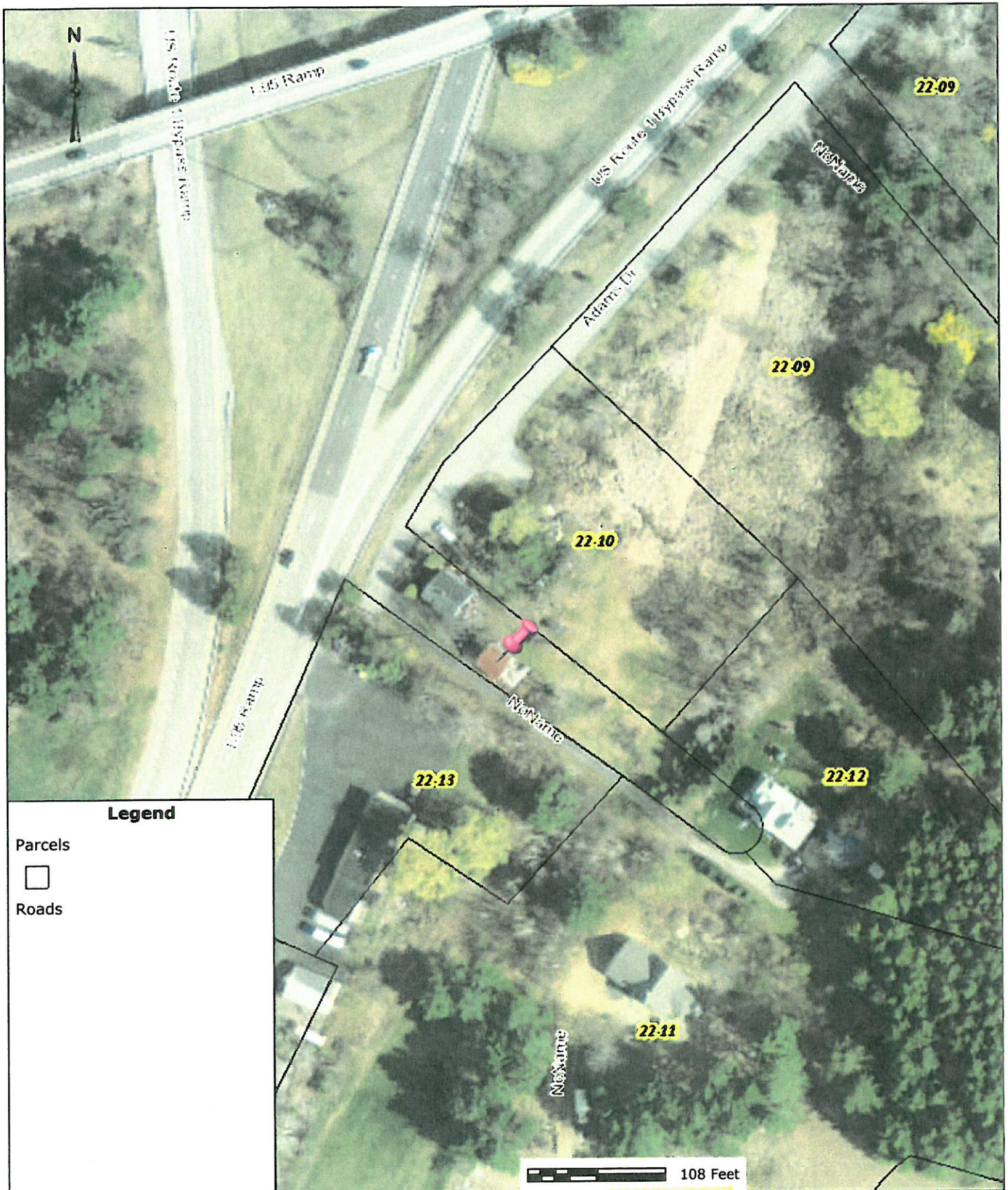
20'

BACK

WINDOW

APPLICATOR & ENTRY MCKENNY





Town of Kittery, Maine

27 Adams Drive

This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

CURRENT OWNER										TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT		4513																											
Mc CARTHY, WILLIAM Mc CARTHY, EILEEN 27 ADAMS DRIVE KITTERY ME 03904 Gis ID 1894										1 Level	2 Public Water	1 Paved	2 Suburban	Description RESIDENTL RES LAND	Code	Appraised	Assessed	KITTERY, ME																													
										3 Below Street	6 Septic				1090	170,600	170,600																														
										SUPPLEMENTAL DATA					1090	71,900	71,900																														
										Alt ID	TIF																																				
										Sub-div	Photo																																				
										Ward	Prec.																																				
										Tree Growth																																					
										ASSOC PID#																																					
RECORD OF OWNERSHIP										BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)																															
Mc CARTHY, WILLIAM										16205	503	11-18-2011	U	I	1A	Year	Code	Assessed	Year	Code	Assessed																										
Mc CARTHY, WILLIAM										3820	269	04-22-1986	U	I	0	2015	1090	170,600	2014	1090	195,500																										
																1090	71,900	1090	71,900	73,200																											
										Total																																					
										242,500																																					
EXEMPTIONS										Amount		Code		Description		Number		Amount																													
Year										Code		Description		Number		Amount		Comm Int																													
1998										H		HOMESTEAD																																			
										Total																																					
										10,000.00																																					
NBHD										NBHD Name		Street Index Name		Tracing		Batch																															
0001																																															
NOTES																																															
PERMIT 10-267 AUXILIARY DWELLING UNIT																																															
GREY																																															
OLD ADDRESS: RR #1 BOX 54																																															
LIVING AREA OVER GARAGE-PERMIT FOR																																															
ONE BEDROOM AND BATH																																															
ZBA 8/10/2010																																															
BUILDING PERMIT RECORD										Amount		Insp Date		% Comp		C of O		Comments		Date		Type		IS		ID		Cd		Purpos/Result																	
Permit ID										Issue Date		Type		Description		Amount		Insp Date		% Comp		C of O		Comments		Date		Type		IS		ID		Cd		Purpos/Result											
15-145										06-01-2015		RS		Residential		2,000		04-26-2013		0		REMODEL BATHRO		04-26-2013										PR 53		Bldg Permit Inspection											
12-043										12-14-2012		RS		Residential		4,000		04-09-2011		100		DORMER WINDOW		04-14-2012										PR 53		Bldg Permit Inspection											
10-267										08-25-2010		RE		Remodel		700		04-09-2011		100		Convert B&B cottage		04-09-2011										PR 53		Bldg Permit Inspection											
04-245										09-09-2004		RS		10'x20' deck		4,000		04-14-2012		100				05-06-2006										PR 53		Bldg Permit Inspection											
04-132										05-17-2004		RE		Remodel		20,000		05-06-2006		100		08-03-2005		06-02-2006		Remodel garage to b								PR 53		Bldg Permit Inspection											
																																		03		Letter Sent											
																																		01		Measur+Visit											
LAND LINE VALUATION SECTION																																															
B										Use co		Description		Zone		D		Fronta		Depth		Units		Unit Price		I. Fact		S.A.		Ac Di		C. Fact		St. Idx		Adj		Notes		Special Pricing		Adj Unit Price		Land Value			
1										1090		MULTI HSES		C				0		0		43,560		SF		1.50		1.100		5		1.000		1.00						0		1,000		1.65		71,900	
Total Card Land Units																								1,000		AC		Parcel Total Land Area		1,000										Total Land Value		71,900					

CONSTRUCTION DETAIL

CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description	Element	Cd	Description
Style	06	Conventional			
Model	01	Residential			
Grade:	03	Average			
Stories:	1.75	1 3/4 Stories			
Occupancy	1				
Exterior Wall 1	11	Clapboard			
Exterior Wall 2	14	Wood Shingle			
Roof Structure:	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	03	Plastered			
Interior Wall 2	02	Wall Brd/Wood			
Interior Fir 1	09	Pine/Soft Wood			
Interior Fir 2	02	Oil			
Heat Fuel	06	Steam			
Heat Type:	01	None			
AC Type:	03	3 Bedrooms			
Total Bedrooms	1				
Total Bthrms:	0				
Total Half Baths	0				
Total Xtra Fixtrs	6	6 Rooms			
Total Rooms:	01	Old Style			
Bath Style:	01	Old Style			
Kitchen Style:	01	Old Style			

MIXED USE		
Code	Description	Percentage
1090	MULTI HSES MDL-01	100
		0
		0
COST / MARKET VALUATION		
Base Rate	82.00	
RCN	128,978	
Net Other Adj	5,000	
AYB	1920	
Effective Year Built	1991	
Depreciation Code	F	
Remodel Rating		
Year Remodeled		
Depreciation %	22	
Functional Obsol	0	
Economic Obsol	1	
Cost Trend Factor		
Condition		
% Complete		
Overall % Condition	78	
RCNLD	100,600	
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		

Cost to Cure Ovr Comment

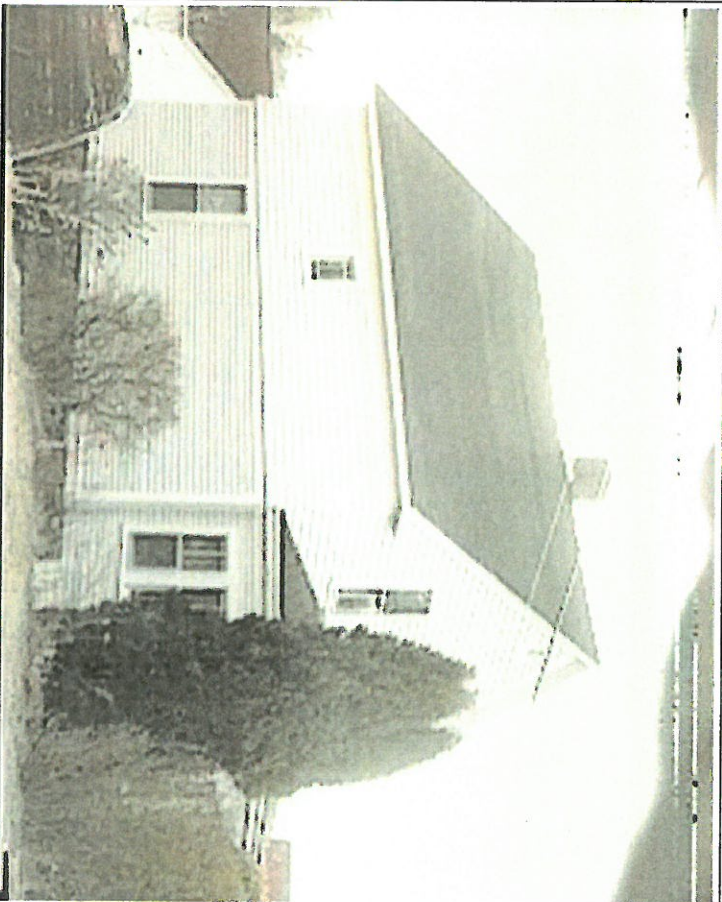
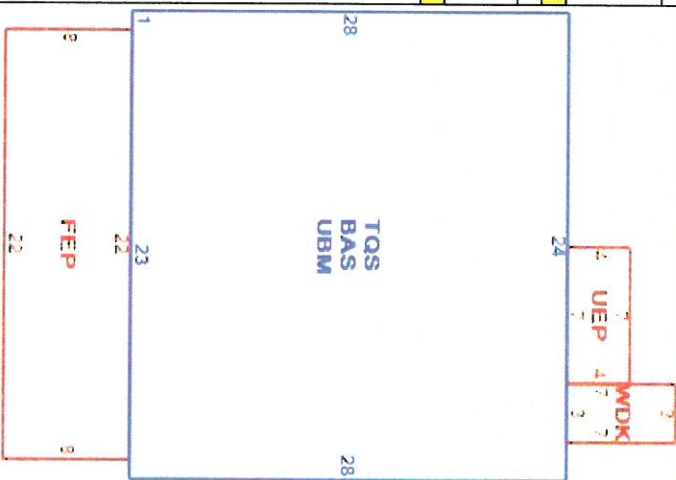
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	Su	Sub Desc	Lan	Units	Unit Price	Year	%	Dep R	Cond	Qu	Adj	Apprais Va
FPL3	2 STORY CH		B		1	7800.00	1964	100	1.00			0.00	4,000

BUILDING SUB-AREA SUMMARY SECTION

SUBAR	Description	LIVING	GROSS	EFF AR	Unit Cost	Undeprec Value
BAS	First Floor	672	672	672	81.78	54,956
FEP	Porch, Enclosed, Finished	0	176	123	57.15	10,059
TQS	Three Quarter Story	571	672	571	69.49	46,696
UBM	Basement, Unfinished	0	672	134	16.31	10,959
UEP	Porch, Enclosed, Unfinished	0	28	14	40.89	1,145
WDK	Deck, Wood	0	21	2	7.79	164

Ttl Gross Liv / Lease Area	1,243	2,241	1,516		
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[illegible]

CONSTRUCTION DETAIL					CONSTRUCTION DETAIL (CONTINUED)				
Element	Cd	Description	Element	Cd	Description				
Style	100	FGR W/ Apt							
Model	01	Residential							
Grade:	03	Average							
Stories:	1.75								
Occupancy	1	Vinyl Siding							
Exterior Wall 1	25	Gable/Hip							
Exterior Wall 2	03	Asph/F Gls/Cmp							
Roof Structure:	03	Drywall/Sheet							
Roof Cover	05								
Interior Wall 1	12	Hardwood							
Interior Wall 2	12	Hardwood							
Interior Fir 1	04	Electric							
Heat Fuel	07	Electr Basebrd							
Heat Type:	01	None							
AC Type:	01	1 Bedroom							
Total Bedrooms	01								
Total Bathrms:	1								
Total Half Baths	3								
Total Xtra Fixtrs	02								
Total Rooms:	02								
Bath Style:	02	Average							
Kitchen Style:	02	Average							

PROPERTY MAP
KITTERY
MAINE



LEGEND	
ABUTTING MAP NO. R11	LOT DIMENSION
PARCEL NUMBER	PROPERTY BOUNDARY
SUBDIVISION LOT NO.	RIGHT OF WAY
STREET ADDRESS NO.	BASEMENT

REVISED TO APRIL 1, 2015
FOR ASSESSMENT PURPOSES ONLY
NOT FOR PROPERTY CONVEYANCES

SCALE IN FEET
0 100 200

John E. O'Donnell & Associates
632 Bald Hill Road
New Gloucester, Maine 04260
(207) 926-4044
www.joodonnell.com

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